

# Mount Ayr Community School District

Home of the Raiders and Raiderettes

1001 E. Columbus  
Mount Ayr, IA 50854  
641-464-0500

**DOCKET FILE COPY ORIGINAL**

July 25, 2008

April Kerychuk - Technology Director  
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Federal Communications Commission  
Office of the Secretary  
445 - 12th Street, SW  
Washington, DC 20554

**Received & Inspected**

**AUG 04 2008**

**FCC Mail Room**

RE: CC Docket No. 02-6  
Waiver Request based on USAC letter dated July 07, 2008,  
Funding Year 2008 Form 471 Postmarked Outside of Window

Dear FCC Waiver Committee,

This is a letter to request a waiver to accept our Form 471 for filing in the Funding Year 2008-09. A petition for a waiver, which is enclosed, was sent to USAC on June 24, 2008 referring to Sections 54.719 through 54.721 of the Commission's rules. Due to severe weather, our school suffered ten snow days in and around the filing timeframe for our Form 471.

On July 7, 2008, the Schools and Libraries Division of the Universal Services Administrative Company (USAC) received our request for a waiver but they were unable to permit our waiver due to Federal Communications Commission rules, according to their enclosed Administrator's Decision of Appeal letter.

Please consider our request for a waiver due to unforeseen circumstances beyond our control.

Thank you,



April Kerychuk  
Technology Director

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**Before the  
Federal Communications Commission  
Washington, D.C.**

**In the Matter of:**

Petition for Waiver of Decisions	)	
of the Schools and Libraries Division	)	
of the Universal Service Administrative	)	
Company for Mount Ayr Schools	)	Form 471 Number
Mount Ayr, Iowa	)	637109
	)	
Joint Board on Universal Service	)	CC Docket No. 02-6

Petition for Waiver  
Mount Ayr Schools  
Entity Number 132239  
Form 471 Number 637109  
Funding Request Numbers 1764023, 1764030, and 1764033

In accordance with Sections 54.719 through 54.721 of the Commission's rules, now comes Mount Ayr School before the Commission requesting waiver of the Form 471 filing deadline of February 7, 2008. We request this waiver because of severe winter storms and school district closure at Mount Ayr School.

On May 7, 2008, the Schools and Libraries Division of the Universal Service Administrative Company (Administrator) issued correspondence to Mount Ayr Community School District indicating the Form 471 Number 637109 was filed outside the Program Year 2008 funding window and would therefore not be considered for funding. Due to extenuating circumstances, we ask for waiver of program rules and consider this application to be filed within the Year 2008 filing window.

**Background**

Mount Ayr School is a small rural school district in Iowa located in the southwestern part of the state. During January and February, our state experienced record snowfall and storms that closed the district for several days. School personnel were unable to travel and could not file the necessary forms.

In correspondence from USAC to our state's applicants who filed inside the window, the following statement of the severe winter weather in our state was acknowledged, "If you are unable to provide the requested information because your school or library has closed because of *Severe Winter Storms* please let me know when you will be available to respond to these questions. Failure to respond may result in a reduction or denial of funding." Given that locations in our state were impassable due to near record snowfall, we request a waiver of the filing deadline due to circumstances beyond our control.



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2008-2009**

July 07, 2008

April Kerychuk  
Mount Ayr Community Schools  
1001 E Columbus Street  
Mount Ayr, IA 50854

Re: Applicant Name: MOUNT AYR COMM SCHOOL DISTRICT  
Billed Entity Number: 132239  
Form 471 Application Number: 637109  
Funding Request Number(s): 1764023, 1764030, 1764033  
Your Correspondence Received: June 24, 2008

The Universal Service Administrative Company (USAC) received your request for a waiver of the Application Filing Deadline for Funding Year 2008 of the Schools and Libraries Universal Service Support Mechanism.

Federal Communications Commission (FCC) rules do not permit USAC to consider requests for waivers. If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. You should refer to CC Docket No. 02-6 on the first page of your waiver request to the FCC. If you are submitting your waiver request via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing a waiver request with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company

In the Bishop Perry Order, FCC 06-54, released May 19, 2006, the Commission stated:

*14. Based on the facts and circumstances of these specific cases, we find that good cause exists to waive the deadline for filing the FCC Form 471 found in section 54.507 of the Commission's rules.<sup>40</sup> Under Bureau precedent deadlines have been strictly enforced for the E-rate program, including those pertaining to the FCC Form 471. We nevertheless find that good cause exists to waive the deadline in these cases. Generally, these applicants claim that staff mistakes or confusion resulted in the late filing of their FCC Form 471s. We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to positions dedicated to pursuing federal grants, especially in small school districts. Even when a school official has learned how to correctly navigate the application process, unexpected illnesses or other family emergencies can result in the only official who knows the process being unavailable to complete the application on time. Given that the violation at issue is procedural, not substantive, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.<sup>42</sup> We therefore grant these appeals and remand them to USAC for further processing consistent with this Order.*

### **Conclusion**

Mount Ayr Schools seeks waiver of Form 471 filing deadline for this application. This funding is vital to the effective operation of the district's telecommunications network. This application constitutes eligible services procured in accordance with program, state, and local regulations and in no way wastes program resources. Due to no fault of the Mount Ayr School District, it was impossible to meet the 471 filing deadline.

Respectfully submitted this 24 day of June, 2008,

April Kerychuk  
District Technology Director



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Mount Ayr Community Schools  
1001 E Columbus Street  
Mount Ayr, IA 50854

Billed Entity Number: 132239  
Form 471 Application Number: 637109  
Form 486 Application Number: